UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER, et al;

CIVIL ACTION NO: 5:18-CV-680

    Plaintiffs,

VS.

CHIEF JOSEPH SALVAGGIO, et al;

    Defendants.

_____/

PLAINTIFFS' SECOND MOTION TO EXTEND TEMPORARY RESTRAINING ORDER *EMERGENCY*

NOW COME Plaintiffs, by and through their attorneys, and respectfully seek an Order from this Honorable Court extending the Temporary Restraining Order, ECF #22, entered on August 20, 2018, or entering a Rule 65 Preliminary Injunction. For the reasons set forth in the accompanying Brief in Support, this Motion must be GRANTED.

Respectfully Submitted,

EXCOLO LAW, PLLC

/S/ Solomon M. Radner (admission pending
SOLOMON M. RADNER
Attorney for Plaintiffs
26700 Lahser Rd, Suite 401
Southfield, MI 48033
248-291-9712
sradner@excololaw.com

DATED: September 14, 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER, et al;

                                        CIVIL ACTION NO: 5:18-CV-680

          Plaintiffs,

VS.

Chief Joseph Salvaggio, et al;

          Defendants.

_____/

PLAINTIFFS' BRIEF IN SUPPORT OF THEIR SECOND MOTION TO EXTEND TEMPORARY RESTRAINING ORDER, ECF #22

Plaintiffs incorporate by reference ECF #3, #20, #32, and #37. This Court entered a TRO, ECF #22 and extended it on August 31, 2018, ECF #25. The Court entered an Order, ECF #31, referring this matter to Magistrate-Judge Farrer to conduct a hearing and stating that the TRO expires as a matter of law on September 17, 2018. A hearing was held on September 13, 2018 before Mag.-Judge Farrer, but the irreparable harm is still imminent should the TRO expire on September 17, 2018.

Further, pursuant to 42 USC 636, the Mag. Judge expressed concern on the record, that he may not be authorized to enter an Order extending the TRO, in the event he feels it necessary or even to allow the parties an opportunity to more fully brief the issues. If only a Report and Recommendation may be entered by the Mag.-Judge, the TRO would expire as a matter of law on September 17, 2018, and the defendants would then gain access through Google to every single email ever sent or received by Jonathon and Jason Green, who are merely alleged to be ***witnesses*** to

an alleged felony and perhaps to others' email accounts, and they would further no longer be enjoined from gaining access to the 'privacies of life' on all the cell phones seized on June 14, 18, and 23, 2018. Please note: On June 18, 2018 over a dozen items were seized mainly from *__witnesses__* as supposedly containing evidence of a single *__misdemeanor__* offense allegedly committed only by David Bailey. Such invasive and unfettered access would clearly constitute irreparable harm, which is why another TRO extension is necessary.

The Mag.-Judge further expressed concern of the limited/incomplete record, and threw several 'hooks' to the defendants for them to agree to extend the TRO so the parties have a non-emergency opportunity to fully brief all the pertinent facts and law, and explain their respective positions on each item seized on each date from each individual, but the defendants refused to consent. Therefore, Plaintiffs respectfully request that this Court enter an Order extending the TRO, so that the Mag.-Judge can enter and appropriate Order or R&R, including possibly allowing the parties to submit supplemental briefing.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order extending the TRO, or alternatively entering a Rule 65 Preliminary Injunction.

Respectfully Submitted,

/S/ Solomon M. Radner
Solomon M. Radner (MI Bar No. P73653)
Attorney for Plaintiffs
26700 Lahser Rd, Suite 401
Southfield, MI 48033
248-291-9712
sradner@excololaw.com

DATED: September 14, 2018

- 4 -

PROOF OF SERVICE

On September 14, 2018, the undersigned served this notice on all known parties of record by efiling it on this Court's efiling system which will send notice to counsel of record for all parties, with the exception of the Doe defendants who have yet to be identified.

/s/ Solomon M. Radner